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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/824,051 | 04/03/2001 | Patrice Gombert | 109149 | 9290 |
| 25944 | 7590 | 03/13/2006 | EXAMINER | |
| OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | CASTELLANO, STEPHEN J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3727 | |

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,051

Applicant(s)

GOMBERT ET AL.

Examiner

Stephen J. Castellano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 64-90 is/are pending in the application.
- 4a) Of the above claim(s) 65 and 69-89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 64, 66-68 and 90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claims 1-63 have been canceled. Claims 64-90 are pending. Claims 65 and 69-89 have been withdrawn as previously discussed in the Office action mailed April 4, 2005. Claims 64, 66-68 and 90 remain for action on their merits.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 64, 68 and 90 are rejected under 35 U.S.C. 102(b) as being anticipated by Duhaime et al. (Duhaime).

Duhaime discloses a fuel tank comprising an insert (core 24), a wall of thermoplastic material (wall section 18 made from pliable parison 12), a portion (projection 26, 26') of the outside surface of the wall being overmolded on and in direct contact with the insert, which doesn't pierce through the wall, Fig. 7, 8 and 10 show how the core 24, the overmolded portion (projection 26, 26') and portions of the wall section 18 spaced below the projection 26, 26' are shaped to form a housing for attachment (member 28)(see Fig. 8 and 9, and flaps 44 in Fig. 9 and 10 which become housed within the housing formed between projection 26' and adjacent portions of the wall section 18), the overmolded portion forming a portion in relief on the inside of the tank (as the overmolded portion is inside of the outer surface of the fuel tank wall section 18 adjacent the projection 26, 26') that defines an internal housing with the wall section 18 spaced below the projection 26, 26', the attachment (28) is separate from the insert (core 24) and attached to the portion in relief and at least partially received in the housing inside the tank.

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Re claim 68, the end wall of the housing is formed at the inner circumference of the housing that contacts the aperture (30, 30') of the member 28.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 66 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhaime in view of Kasugai ('347).

Duhaime discloses the invention except for the valve and the portion in relief being on the top wall of the tank. Kasugai teaches a fuel tank with a fuel shut-off valve 12 mounted to the top wall of the tank. It would have been obvious to add a shut-off valve and to modify the portion in relief to be mounted on the top wall of the tank in order to include the capability of shutting off fuel flow when desired and to place the valve or another component in the top wall as the top wall provides the advantage of being a more protected location as well as closer to the well established connection of most fuel transfer components of the fuel tank than a bottom or sidewall of the fuel tank.

Applicant's arguments filed January 20, 2006 have been fully considered but they are not persuasive.

Applicants submit that Fig. 8 of Duhaime doesn't include a core. The core is clearly shown. The core is not labeled in Fig. 8 but is distinctly shown where one having ordinary skill would expect to find a core particularly after viewing Fig. 4, 5, 6 and 10. If Fig. 8 should be deemed not to have a core, then rely on Fig. 1-6 and 10 for this showing.

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Applicant mentions that projection 26' doesn't form a housing. Projection 26' has an enlarged head 48 and a reduced diameter shank 50. The lower parts of the projection 26' which extend radially outward from the core 24' extend beneath flaps 44, the middle parts of the projection 26' extend radially inwardly in contact with the flaps 44 and the enlarged head of the projection 26' extend above and in contact with the flaps 44. The projection forms an annular housing that is C-shaped in cross section with the flaps 44 housed within the housing.

For these reasons the rejections will be maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on Tu-F 6:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc